GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Allegations of Corruption against Sri Uppalapati Malakondaiah, Commercial Tax Officer, Ramachandrapuram, Kakinada Division, East Godavari District– Acquired assets disproportionate to the known sources of income – Prosecution accorded - Charge sheet filed – Convicted in C.C.No.17/2011 – Withholding of pension and gratuity in full and permanently under Andhra Pradesh Revised Pension Rules, 1980 – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Ms.No.174 **Dated:19-04-2018**

Read the following:

1. From DG, ACB, AP, Hyderabad, Lr.No.190/RCA-NPK/2007, dt:10.12.2007 (Preliminary Report)
2. From DG, ACB, AP, Hyderabad, Lr.No.190/RCA-NPK/2007, dt:14.10.2009 (Final Report)
3. Govt Memo.No.52434/Vig.I(1)/2007-5, Dt.12.10.2010.
4. Judgment dated 28-12-2017 in CC No.17/2011 of the Special Judge for SPE & ACB Cases-cum- III Addl.District & Sessions Judge, Nellore.
5. From DG, ACB, AP, Lr.No.190/RCA-NPK/2007, dt:10.01.2018.
6. From DG, ACB, AP, Lr.No.190/RCA-NPK/2007, dt:21.03.2018.

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O R D E R :

Whereas, in the reference 1st read above, it was brought to the notice of the Government, that Sri Uppalapati Malakondaiah, Commercial Tax Officer, Ramachandrapuram, Kakinada Division, East Godavari District is in possession of assets disproportionate to the known sources of legal income and as such a case in Crime No.13/RCA-NPK/2007 U/s 13(2) r/w 13(1)(e) of Prevention of Corruption Act,1988 was registered against him.

2. And whereas, the Government after examining the final report of the Director General, Anti Corruption Bureau, in the reference 2rd read above, have accorded sanction to prosecute Sri Uppalapati Malakondaiah, Commercial Tax Officer, Ramachandrapuram, Kakinada Division, East Godavari District vide reference 3rd read above under Prevention of Corruption Act, 1988 for the offences committed by him. Accordingly, the Director General, Anti Corruption Bureau, Andhra Pradesh, filed charge sheet before the Special Judge for Special Police Establishment & Anti Corruption Bureau Cases-cum- III Additional District & Sessions Judge, Nellore in C.C.No.17 of 2011.

3. And whereas, in the reference 4th read above, the Special Judge for Special Police Establishment & Anti Corruption Bureau Cases-cum-III Additional District & Sessions Judge, Nellore has passed judgment in C.C.No.17 of 2001 on 28-12-2017, and found that Sri Uppalapati Malakondaiah, Commercial Tax Officer(Retired), Ramachandrapuram, Kakinada Division, East Godavari District is guilty of the charges and accordingly convicted him under section 248 (2) of Criminal Procedure Code and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.3,00,000/- in default of payment of fine, he shall suffer simple imprisonment for a period of six months for the charge punishable under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. The Court also ordered the sale of proceeds of the item 1(a), 1(b),2(a),2(b),3,4,5(a),5(b),8,9,12,13 and 14 of the Annexure-A of assets

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shown in the charge sheet by way of public auction and remit the same to the Government. With regard to other item i.e an amount of Rs.1,22,500/- which was seized during the search proceedings and returned to the accused officer in Crl.M.P.No.241/2008, dt.21.04.2008 shall be re-deposited. Further, the court raised attachment over the properties which were under attachment earlier.

4. And whereas, after careful consideration of the facts and circumstances of the case with reference to the instructions issued in G.O.Ms. No.2, General Administration (Services-C) Department, dated 04-01-1999 read with instructions issued in Memo No.178/Spl.C/2003-1, General Administration (Special-C) Department, dated 07-05-2003, Government have decided to impose the penalty of withholding of 100% pension and gratuity in full and permanently against Sri Uppalapati Malakondaiah, Commercial Tax Officer, Ramachandrapuram, Kakinada Division, East Godavari District with immediate effect for his conviction in the criminal case.

5. Now, therefore in exercise of the powers conferred under Sub-Rule (1) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, and under clause (i) of Rule 25 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991, read with instructions issued in G.O.Ms.No. 2, General Administration (Services-C) Department, dated 04-01-1999 and Memo No.178/Spl.C/2003-1, General Administration (Special-C) Department, dated 07-05-2003, Government hereby impose the penalty of withholding of entire pension and gratuity in full permanently against Uppalapati Malakondaiah, Commercial Tax Officer(Retired), Ramachandrapuram, Kakinada Division, East Godavari District with immediate effect.

6. The Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

NOTIFICATION

7. The following notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette dated:27-04-2018 :

8. In exercise of the powers conferred under Sub-Rule (1) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, and under clause (i) of Rule 25 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991, read with instructions issued in G.O.Ms.No.2, General Administration (Services-C) Department, dated 04-01-1999 and Memo No.178/Spl.C/2003-1, General Administration (Special-C) Department, dated 07-05-2003, Government hereby impose the penalty of "withholding of entire pension and gratuity in full permanently" against Uppalapati Malakondaiah, Commercial Tax Officer(Retired), Ramachandrapuram, Kakinada Division, East Godavari District with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Uppalapati Malakondaiah, Commercial Tax Officer, Ramachandrapuram, Kakinada Division, East Godavari District (through the Commissioner of Commercial Taxes, Andhra Pradesh,Vijayawada)

The Commissioner of Commercial Taxes, Andhra Pradesh,Vijayawada.(with a request to serve the G.O. on the individual and send served copy with dated signature to Government for record)

Contd.,3

The Commissioner of Printing, Stationery & Stores Purchase, Andhra Pradesh, Hyderabad. (with a request to publish the G.O. in the extraordinary Gazette and furnish 10 copies to Government)

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi, Guntur District.

The Director General, Anti-Corruption Bureau, Pundit Nehru Bus Station, NTR Administration Block, 2nd Floor, Vijayawada.

The Pay and Accounts Officer, State Planning Board Premises, Dr.No.40-1-101/4, 1st Floor, Sree Nilayam, Sri N.Chandrababu Naidu Circle, Patamata, Vijayawada.

The Director of Treasuries & Accounts, D.No.7-57, Sri Anjaneya Towers, VTPS Road, Ibrahimpatnam, Andhra Pradesh, Vijayawada.

The Accountant General, Andhra Pradesh, Hyderabad.

The Revenue (Commercial Tax-I) Department.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER